

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ENPLAS DISPLAY DEVICE CORPORATION, et al.,
Plaintiffs,
v.
SEOUL SEMICONDUCTOR COMPANY, LTD.,
Defendant.

Case No.13-cv-05038 NC

ORDER FINDING CLAIM 2 OF '554 PATENT IS NOT INVALID

Plaintiff Enplas Display Device Corporation (“EDD”) asks this Court to find that claim 2 of the ’554 patent is invalid because it is an improper dependent claim. Dkt. No. 457. Defendant Seoul Semiconductor Company disagrees. Dkt. No. 460. The Court held a jury trial in this case in March 2016.

I. LEGAL STANDARD

Generally, a patent is presumed valid. 35 U.S.C. § 282. While this presumption can be rebutted, the party challenging validity must meet the “high burden” of proving invalidity by “clear and convincing evidence.” Sciele Pharma Inc. v. Lupin Ltd., 684 F.3d 1253, 1260 (Fed. Cir. 2012). 35 U.S.C. § 112 provides, “a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed.” “The statute stresses that a dependent claim must add a limitation to those recited in the independent claim.” Curtiss-Wright Flow Control Corp. v. Velan, Inc., 438 F.3d 1374, 1380 (Fed. Cir. 2006).

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II. DISCUSSION

Claim 1 of the '554 patent reads:

An illumination device, comprising:
a waveguide having an illumination coupler embedded in an interior region of said waveguide,
said illumination coupler adapted to receive light from a point source within said interior region, and to direct light between generally parallel top and bottom surfaces outside said interior region,
said illumination coupler comprising a **refractive index interface** which is inclined relative to at least one of said top and bottom surfaces
said interface being configured to reflect light rays emitted by the point source which propagate along a line that forms less than the critical angle of total internal reflection with respect to a line lying in one of said top and bottom surfaces,
such that light rays which would otherwise pass out of said waveguide are captured for propagation between said top and bottom surfaces.

Claim 2 of the '554 patent reads:

The illumination device of claim 1, wherein said illumination coupler comprises a surface configured for total internal reflection of light incident therein.

At trial, Dr. Pollock testified briefly as to claim 2, as follows:

Q: And looking at Claim Number 2, what is added by that dependency?

Pollock: Claim Number 2, let me just read it. It says: (reading) "The illumination device of Claim 1," so it's a dependent claim, "wherein said illumination coupler comprises a surface configured for total internal reflection of light incident thereon."

In my opinion, it's redundant. I don't know what it adds.

Q: Does it add anything in your view?

Pollock: Not in my view. I'm not a lawyer, so -- but I don't see the point of that one.

Q: From a technical perspective, does it add anything?

Pollock: No change.

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Tr. 992-993.

This is the entirety of testimony and evidence provided by EDD at trial. EDD’s argument for the invalidity of claim 2 is based on EDD’s attorney argument that “The specification makes clear that the refractive index interface of the illumination coupler claimed in claim 1 is a ‘surface configured for total internal reflection of light incident thereon.’” Dkt. No. 457 at 3. According to EDD, since TIR is specified in claim 1 through interpretation of the “refractive index interface,” the further limitation of TIR in claim 2 is redundant.

SSC responds that the presumption under the doctrine of claim differentiation requires the Court to construe “refractive index interface” in a way that would not make claim 2 redundant, i.e., that it does not require TIR. Dkt. No. 460 at 2.

The Court finds that EDD has failed to meet its burden to demonstrate that claim 2 is an improper claim by clear and convincing evidence. Ultimately, this question is one of claim construction. EDD did not ask the Court to construe “refractive index interface,” nor did it move for summary judgment on this claim. Dr. Pollock’s conclusion that claim 2 is redundant because Dr. Pollock does not know “what it adds” is unpersuasive. Dr. Pollock did not testify to the argument that EDD’s counsel puts forward, that the “refractive index interface” in claim 1 would be interpreted as a person of ordinary skill in the art as requiring TIR, and that a person ordinary skill in the art would find claim 2 redundant. Additionally, Dr. Pollock provides no reasoning for his cursory conclusion, and he did not opine as to whether one of ordinary skill in the art would agree with his conclusion.

III. CONCLUSION

The Court finds that claim 2 of the ’554 patent is not invalid.

IT IS SO ORDERED.

Dated: April 8, 2016


NATHANAEL M. COUSINS
United States Magistrate Judge